



Timber Salvage near Ptarmigan Creek, east of Prince George

Complaint Investigation 010287

FPB/IRC/47

July 2001

This investigation examines a complaint by a committee of residents of Dome Creek, 125 kilometres east of Prince George, about the amount of green wood that was authorized for harvest under an approved one-year forest development plan. The plan was for forest operations in the interior cedar-hemlock forest type in the upper Fraser River drainage between Prince George and McBride. Specifically, the complainant raised three issues:

1. The forest development plan related to a 15-year salvage forest licence, and the complainant believed the community had not been adequately notified about the intent to issue that forest licence.
2. The complainant was concerned that the district manager, in approving the forest development plan, had excessively deviated from the salvage intent of the forest licence.
3. The complainant believed that the plan did not adequately address looper damage and did not constitute sound forest management in the interior cedar hemlock biogeoclimatic zone.

Background

a) The forest licence

The Robson Valley, 200 kilometres southeast of Prince George, experienced drought conditions in 1994 and 1995. Drought-stressed mature and overmature hemlock and hemlock-cedar stands were susceptible to caterpillars of the hemlock looper moth, one of the most destructive defoliators of conifers in BC. The outbreak was controlled naturally after several years, but not before many trees in a 40,000-hectare area had been defoliated. Government staff estimated that 45 percent of the trees would be killed in moderate to severely-damaged stands (17 percent of the area). The remaining stands showed minor or no damage.

In the 1996 timber supply analysis for the Prince George Timber Supply Area, the chief forester partitioned the allowable cut to allow the allocation of some timber that was thought to be "economically inoperable." The intent of the partitioning was, in effect, to test whether the timber was in fact economically inoperable. Forest licences would be allocated and, if it turned out to be economically viable, the allowable annual cut would be included as contributing in the next timber supply review. One such licence, FL A52524 for 40,000m³/year for five years, was issued to TRC Cedar Limited (the licensee) of McBride in July 1996. The licensee is a value-added manufacturer specializing in cedar

products (posts, fencing, boards, shakes and shingles). Its cedar mill can utilize the outer shell of old, core-rotted cedars that standard mills have difficulty using.

As harvesting experience was gained, the market for hemlock pulp declined from very high in 1995 to very low in 1997, and has since remained low. This reduced the economic viability of the salvage harvesting. The licensee could no longer trade the hemlock component of its harvest, which was usable as pulp, to other companies in exchange for cedar that the licensee needed for its mill. Despite the operability problems, the Ministry of Forests district manager was very satisfied with the licensee's performance in dealing with what were considered to be "economically challenging stands," both in regard to the utilization and in site preparation after harvesting. In late 1998, the licensee sought a new forest licence from the Ministry of Forests that would double the cedar volume to allow its mill to add a second shift and provide a wood supply further into the future. Accordingly, a new forest licence, FL A61216, was issued under the *Forest Act* to the licensee in January 2000. It had a 15-year term and was for twice the volume (80,000 m³/yr) of the earlier forest licence.

b) The forest development plan

By mid-1999, some local residents became concerned about the visual impacts of salvage harvesting near communities and along Highway 16. They became concerned about other forest practices such as herbicide use, harvesting to the edge of slope breaks leading down to major streams and floodplains and the size of cutblocks - some of which were larger than 200 hectares. The complainant group had reviewed the licensee's salvage harvesting plans and was opposed to logging in and around the access road to the community of Dome Creek. They also opposed to harvesting green wood under a licence that was granted to salvage dead wood. The latter concern was shared by staff of what was then the Ministry of Environment, Lands and Parks.

The licensee initially proposed a forest development plan that would remain in effect for five years. The public and the district manager expressed concerns with it remaining in effect for that long. Resolution of those concerns could create costly interruptions, so the district manager suggested that the proposed forest development plan be reduced in size to address only one year's allowable cut. The licensee agreed and a one-year forest development plan was advertised as available for public review and comment on July 19, 2000 and was presented to local residents, including the complainant group, on July 25. At the complainant's request, the public review and comment period was extended by 20 days to end on September 30. There was considerable discussion among the licensee, complainant and ministry on the draft plan and it underwent several revisions.

The one-year forest development plan was submitted for approval on October 5. It proposed:

- postponing operations along the access road to the local community until the residents could examine new, more visually sensitive partial cut harvesting techniques that the licensee proposed to apply that winter.
- carrying out forest health assessments to update the status of looper-damaged areas and present the results with the next forest development plan.
- making the harvest economically viable by blending harvest from areas exhibiting heavy/severe damage with harvest of stands exhibiting low or no looper damage. The blended harvest would have a higher cedar component and a lower hemlock component than what came from heavy/severe damage stands. The plan did not specify the exact balance of low damage and undamaged timber in the harvest, but the balance would be adjusted from time to time by the MoF

district staff to reflect current market conditions.

- maintaining biological diversity by using small cutblocks (4-60 hectares; average 32 hectares) and a partial cut silviculture system in an attempt to mimic the natural disturbance pattern of rare stand-initiating events, in accordance with the Code's *Biodiversity Guidebook*, and to retain forest cover in connective corridors between riparian areas and retained patches of timber.
- using a partial cut silviculture system on all blocks with block-specific levels and patterns of tree retention (minimum of 10 percent) to maintain some old-growth attributes and imitate the conditions of surrounding stands. Such conditions included retention of portions of blocks to provide shade for reforestation of shade-tolerant species such as spruce and cedar, for wildlife habitat diversity and for reduced visual impact. It also included retention of significant coarse woody debris in the understory.

In August 2000, the licensee had presented a business plan to the district manager that provided an economic analysis to support a request that the district manager allow more green wood, and less salvage from severely and moderately-damaged stands, to be taken in the harvest under FL A61216. The district manager agreed to allow the licensee to take a minimum of 60 percent of the volume of the harvest in the moderate to severely damaged stands, subject to further direction as economic conditions changed. The remainder would come from less damaged stands that are more valuable. This balance was intended to allow for timber salvage while maintaining the economic viability of the company. The forest development plan reflected that agreement in part. Of the eleven blocks submitted for approval, three (21 percent of the area, 17 percent of the net volume) were in severely damaged stands, four (31 percent of the area, 31 percent of the net volume) were in moderately damaged stands and four (48 percent of the area, 52 percent of the volume) were in lightly damaged stands. Overall, 48 percent of the expected volume was proposed to come from moderately and severely-damaged stands. That was less volume from those stands than the minimum 60 percent that had been agreed to by the district manager.

The complainant was concerned about the proposal to blend harvest from lightly-damaged stands in with harvest from moderately to severely-damaged stands to make the harvest economically viable. The complainant noted the discrepancy between the harvest profile allowed in the short term under the forest licence (at least 60 percent of the volume from moderately to severely-damaged stands) and that proposed for a year in the forest development plan (only 48 percent of the volume from moderately to severely-damaged stands). In addition, the complainant objected to the unfairness of offering a forest licence that was directed at salvage of damaged stands and then allowing more than half of the harvest volume to come from stands with light damage. Finally, the complainant pointed out that many stands were predicted to die due to the defoliation, but that many of those, particularly those with a significant cedar component, had recovered to some extent. Given the recovery of some trees since then, the complainant did not consider it reasonable to characterize the harvest of such lightly-damaged stands as primarily salvage.

On November 6, 2000, the district manager approved the one-year plan as submitted. In his approval, the district manager noted that the approval was "in keeping with the discretion afforded me in sections 6.04 and 6.05 of (FL A61216, which are) pertinent to this forest development plan." The district manager noted that the licence objectives of creating and maintaining employment and of salvaging damaged timber were considered in his approval of the forest development plan. The district manager elaborated somewhat on his reasoning in a letter to the complainant two days later. He noted that the plan was for one year only. In approving the plan, the district manager maintained that he had no intention of allowing the licensee to depart significantly from the forest licence condition (of at least 60 percent from moderately to severely-damaged stands). However, he had to balance the salvage objective with the forest licence's other objectives of maintaining local employment opportunities and

encouraging value-added manufacturing of cedar. In light of the licensee's timber profile harvested to date and current market conditions, the district manager maintained that the approval of the forest development plan's cutblocks provided an adequate balance.

The complainant also believed that the community had not been adequately notified about the intent to issue FL A61216. In addition, the complainant group remained concerned that the district manager, in approving the forest development plan, had excessively deviated from the intent of the forest licence. They believed that the plan did not adequately address looper damage and did not constitute sound forest management in the interior cedar hemlock biogeoclimatic zone. Accordingly, the Dome Creek Information Committee filed a complaint with the Board on January 1, 2001.

Relevant legislation

Public review and comment opportunity:

Forest Practices Code of BC Act, section 39 and *Operational Planning Regulation*, sections 25 to 30.

Period of, and approval of, the forest development plan:

Forest Practices Code of BC Act, section 1 (definition of forest resources), section 10(1)(a) (one-year term of the plan), 41(1) (adequate to manage and conserve forest resources).

Operational Planning Regulation, section 3(3) (one-year term of the plan).

Discussion and reasoning

The Board can only deal with complaints concerned with parts 3 to 6 of the Code. The forest licence was issued under the *Forest Act* (which requires MoF to advertise the sale), not the Code. Therefore, the Board could not deal with much of the complainant's concern.

The complainant believed that the community had not been adequately notified about the intent to issue the salvage forest licence. There is no obligation in the Code on government to notify the public about issuing tenures such as forest licences.

The complainant also said that the district manager, in approving the forest development plan, had excessively deviated from the salvage intent of the forest licence. The forest development plan has to meet the requirements of the Code. General economic and community values are "forest resources" that must be adequately managed and conserved in a forest development plan. The forest licence is issued under the *Forest Act*, not the Code, and the Board has no authority to examine the objectives of the licence.

The complainant's third concern had two components: that the plan did not adequately address looper damage, and that the plan did not constitute sound forest management in the interior cedar hemlock biogeoclimatic zone. The concern about adequately addressing looper damage concerned the volume of wood that was authorized to come from moderately to severely-damaged stands. The district manager required the licensee to take at least 60 percent of the volume from moderately to severely-damaged stands. The forest development plan approved taking only 48 percent of the volume from such stands, and so was not necessarily consistent with the district manager's requirement for salvage. The volume of cut is regulated under the *Forest Act* through the forest licence and a five-year cut control period. It is

not within the Board's jurisdiction to examine. The forest development plan does not have to be consistent with tenures issued under another Act. It need only comply with the requirements of the Code. The district manager, in his approval, stated that he was satisfied that the forest development plan was prepared in accordance with the Code, as required by section 41(1)(a). The Board found no indication to the contrary. The district manager also stated that he was satisfied the plan would adequately manage and conserve forest resources of the area of the plan. That complied with section 41(1)(b).

However, the complainant's concerns went beyond compliance, relating to whether the plan constituted sound forest management. The complainant expressed concern about harvest of healthy trees, a shortage of protected areas, biodiversity reduction through fragmentation of the ancient or antique forests and diminished visual quality. The complainant believed the harvesting did not mimic natural disturbance patterns. Historically, interior cedar hemlock forest ecosystems were usually uneven-aged or multi-storied even-aged, with regeneration occurring in gaps created by the death of individual trees or small patches of trees. When disturbances such as wind, fire and landslides occurred, they were generally small and resulted in irregular edge configurations and landscape patterns. The mean return interval for these disturbances is generally 250 years.

In the Code context, the complainant did not believe it was reasonable in the circumstances for the district manager to be satisfied that the full range of forest resources would be adequately managed and conserved. Forest resources are defined in the Code as resources and values associated with forests and range. The definition lists some of those resources: timber, water, wildlife, fisheries, recreation, botanical forest products, forage and biological diversity.

The district manager did not elaborate in his rationale for approving the 2000 forest development plan. He simply asserted that he was satisfied that the plan would adequately manage and conserve the forest resources. However, the plan itself outlined various measures to protect forest resources. Accumulations of logging debris will be handled in a variety of ways—some burned, some left for wildlife habitat, some spread out over the cutblocks to reduce visual impact and to improve biodiversity by leaving coarse woody debris. Veteran Douglas firs will be retained as wildlife trees and patches of trees will be retained. Proposed cutblocks are small (4 to 60 hectares) and irregular, imitating the natural disturbance pattern. A partial cut silviculture system is proposed, using block-specific levels, patterns and targets for leave tree and shade retention. Visual impacts will be managed by partial retention on visible blocks.

Beyond the plan itself, the licensee was required to re-evaluate the extent of looper damage to account for stand recovery since the defoliation occurred. Protected areas were set out in 1999 in the Prince George Land and Resource Management Plan. The unique attributes of the interior cedar hemlock ecosystem have been highlighted by a conference in the fall of 2000 and the district has responded by accelerating landscape unit planning with old-growth retention objectives of 9-28 percent.

Conclusions

1. The district manager complied with the Code when he approved the licensee's 2000 forest development plan.
2. The complainant believed that the community had not been adequately notified about the intent to issue Forest Licence A61216. That matter is beyond the Board's jurisdiction. With regard to the forest development plan, the Board notes that the district manager extended the public review and comment period and there was considerable discussion among the licensee, complainant and the ministry.

3. The complainant was concerned that the district manager, in approving the forest development plan, had excessively deviated from the salvage intent of the forest licence. There is no Code requirement that the plan be consistent with the intent of a forest licence. Examining compliance with the objectives of the forest licence is beyond the Board's jurisdiction.
 4. The complainant believed that the plan did not adequately address looper damage and did not constitute sound forest management in the interior cedar hemlock biogeoclimatic zone. The question of adequately addressing looper damage through salvage regulated by the forest licence matter is beyond the Board's jurisdiction. In regard to sound forest management, the district manager had enough relevant information to be satisfied that the biodiversity maintenance provisions in the 2000 forest development plan would adequately manage and conserve the forest resources of the area for one year. The commitments in the plan were supplemented by other initiatives such as the Prince George Land and Resource Management Plan, a new timber supply analysis, accelerated landscape unit planning for old-growth retention and an updated visual inventory.
 5. The district manager's rationale for approving the plan was very brief, consisting of eight bulleted points. The rationale was adequate for approval of a one-year plan.
 6. The plan covers somewhat controversial operations in a relatively poorly-understood forest association. The timber supply and landscape-level management are currently under review. The next forest development plan should consider the best information available on sound forest management in the old stands in the interior cedar hemlock association.
-